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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/848,926

05/19/2004

Roger L.E. Appelqvist

0201-p16

5852

36171

7590

03/22/2006

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EXAMINER

SICONOLFI, ROBERT

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/848,926

**Applicant(s)**

APPELQVIST, ROGER L.E.

**Examiner**

Robert A. Siconolfi

**Art Unit**

3683

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Amendment filed on 1/6/06 has been received.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 7-13,15,16 are rejected under 35 U.S.C. 102(b) as being anticipated by Cunningham (U. S. Patent no. 3,135,137).

See figures brake shoes with pads 10, flyweights 22, support 12, hinge tab around 11, springs 23

Pad is interpreted as the element that contacts the element to be braked against in order to stop the relative motion.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newport (U. S. Patent no. 5,988,328) in view of Swartwout (U. S. Patent no. 4,647,801).

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Newport discloses: support 40, brake shoes 44 with pads 70,72, springs 48, flyweights 44

Newport does not disclose hinging the flyweights and brake shoes to the support.

Swartwout teaches hinging the flyweights and brake shoes to the support (see figure 2 assembly 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to hinge the brake shoes and flyweights to the support as taught by Swartwout in the brake of Newport as it allows for more sensitive reaction of the brake device. The brake shoes of Newport have to slide past the part of support 40 in order to move. That means that the force of the spring and frictional forces have to be overcome before the flyweight starts to move outwards.

### ***Response to Arguments***

6. Applicant's arguments filed 1/6/06 have been fully considered but they are not persuasive. Applicants argue that Cunningham does not disclose braking relative motion in both clockwise and counter clockwise directions. The examiner notes that this feature is not claimed by applicant and is therefore moot. Applicant further argues that the brake does not disengage from the housing by stating that ratchet 18 is not part of the housing. The examiner disagrees with this overly narrow reading of the limitation. The ratchet is fixed to the housing 20 by screws 19. This arrangement is similar to how bell 111 is attached to housing 110. With regard to frictional engagement, the examiner has removed the rejection of claim 4.

Applicants further argue that Swartwout does not disclose a bi-directional capability. The examiner notes that this feature is not claimed and therefore the argument is moot. Furthermore, even if claimed, the examiner notes that Swartwout is relied upon only for its teaching of using pivotal weights in a braking system. Applicants argue that the compact nature of the brake of Newport would not provide the space to "swing out". The examiner contends that the design of Newport already requires space for the brake elements to move outwards as well as the brake surface 50. Furthermore, the brake elements can swing out in a direction perpendicular to the shaft if space is an issue (like in Cunningham). Applicants further argue that Swartwout does not teach frictional braking. This is irrelevant as the combination of Newport and Swartwout does. Applicants argue that the brake of Newport uses linear motion which is inconsistent with the rotational teaching of Swartwout. If Newport had a rotational feature similar to Swartwout, then a 102 rejection over Newport would be applied not a 103.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Siconolfi whose telephone number is 571-272-7124. The examiner can normally be reached on M-F 10 am-3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on 571 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 3/19/06  
Robert A. Siconolfi  
Primary Examiner  
Art Unit 3683

RS